

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 14-46347

BEVERLY JEAN DAVIS,

Chapter 13

Debtor.

Judge Thomas J. Tucker

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**ORDER DISMISSING CASE**

On April 11, 2014, Debtor filed a voluntary petition for relief under Chapter 13, commencing this case. But Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(g)(2), which provides:

(g) Notwithstanding any other provision of this section, no individual or family farmer may be a debtor under this title who has been a debtor in a case pending under this title at any time in the preceding 180 days if—

...

(2) the debtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by section 362 of this title.

Debtor was a debtor in a case pending within the preceding 180 days of filing this case: Case No. 12-42911, which was pending until April 11, 2014. In that Chapter 13 case, on December 20, 2012, creditor Michigan First Credit Union filed a motion for relief from the automatic stay. (Docket # 32 in Case No. 12-42911, the “Stay-Relief Motion”). On February 11, 2013, after the parties filed a stipulation regarding the Stay-Relief Motion (Docket # 45), the Court entered an order resolving the Stay-Relief Motion based on the stipulation (Docket # 46). On April 11, 2014, Debtor filed a motion to voluntarily dismiss this case (Docket # 62), and the Court entered an order granting Debtor’s motion and dismissing the case (Docket # 63).

Under these circumstances, § 109(g)(2) means that Debtor is not eligible to be a debtor

under any chapter of the Bankruptcy Code for 180 days after April 11, 2014. The present Chapter 13 case, therefore, must be dismissed.

Accordingly,

IT IS ORDERED that this bankruptcy case is dismissed.

**Signed on April 14, 2014**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**

211 West Fort Street  
Detroit, MI 48226

**UNITED STATES BANKRUPTCY COURTS**  
Eastern District of Michigan

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Case No.: **14-46347-tjt**  
Chapter: 13

In Re: (NAME OF DEBTOR(S))

Beverly Jean Davis  
3010 Puritan  
Detroit, MI 48238

Social Security No.:  
xxx-xx-0775

Employer's Tax I.D. No.:

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**NOTICE OF DISMISSAL**

NOTICE IS HEREBY GIVEN that an **Order Dismissing Case Re: Pursuant to Section 109(g)(2), Debtor, Beverly Jean Davis is not Eligible to be a Debtor under any Chapter of the Bankruptcy Code** was entered on **4/14/14**. Accordingly, the automatic stay is lifted in the above entitled case.

Dated: 4/14/14

BY THE COURT

Katherine B. Gullo , Clerk of Court  
UNITED STATES BANKRUPTCY COURT